

REMARKS

The Office Action mailed February 7, 2008 has been received and reviewed. All claim currently under consideration stand objected to or rejected. The application is to be amended as previously set forth. All amendments and cancellations are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

Personal Interview

Applicants would like to thank the Examiner and his supervisor for the courtesy extended applicant's representatives during the personal interview held May 21, 2008 at 1:00 p.m. Discussions focused on a proposed amendment.

As described in the Interview Summary, "Applicant was advised that the proposed amendment would remove elected species and the Applicant considered restructuring the amendment to the elected species so that it might become allowable."

Applicants believe that the foregoing, taken together with this Response, adequately set forth the substance of the interview. If, however, the Office would like further detail, the Examiner is kindly requested to contact applicant's undersigned representative, and further detail will be promptly provided.

Claim objections

Claims 3, 4, 5, and 46 stand objected to for allegedly containing non-elected species. Claims 5 and 46 have been canceled, rendering the objection moot as to them. Claims 3 and 4 have been amended to remove non-elected species, which is believed to be remedial to overcome the objection.

Claim rejections - 35 U.S.C. § 112

Claims 1-6, 12, 15, 17, 18, and 46 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Claims 1, 2, 5, and 46 have been canceled, rendering the rejection moot as to them. Applicants respectfully traverse the remainder of the rejection, as set forth below.

Rather than referring to a complete genus, claim 3 includes structural requirements, by requiring the CDR3 sequence of the antibodies SC02-021. As indicated by the Examiner, “In the Specification adequate written description is offered for the antibodies denominated in Table 1 (i.e., ..., SC02-021,...)” (Office Action, p. 4), and “only the binding molecules described in Table I with the SEQ ID Nos. pertinent to them ...meets the written description of 35 U.S.C. § 112, first paragraph” (Office Action, p. 5). Thus, it submitted that the written description requirement is met for the instant claims.

It was alleged that “there is no guidance with respect to the nature of the therapeutic agent that is claimed in claim 18 or nature of the tag in claim 6”. Applicants respectfully traverse, and submit that sufficient guidance is present in the specification for the therapeutic agent for instance in paragraphs [0090] - [0093] and for tags in for instance paragraphs [0069] - [0075]. Thus, applicants respectfully submit that the written description requirement has been met also for these aspects. Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1-6, 12, 15, 17, 18, and 46 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly not being enabled. Claims 1, 2, 5 and 46 have been canceled, rendering the rejection moot as to them. Applicants respectfully traverse the remainder of the rejection, as set forth below.

As indicated by the Examiner, the specification is enabling for the antibodies described in Table 1 of the Specification. (Office Action, p. 5). Rather than referring to a complete genus, claim 3 requires the CDR3 sequence of the antibody SC02-021. Thus, the claims are submitted to be enabled, also in view of the statement of the Examiner that “the claims are enabled only for the molecules described in Table I of the specification” (Office Action, Page 6).

Thus, claims 3, 4, 6, 12, 15, 17 and 18 are submitted to be enabled by the specification, and reconsideration and withdrawal of the rejection is respectfully requested.

Claim 2 stands rejected under 35 U.S.C. 112, first paragraph, for allegedly not being enabled. Claim 2 has been canceled, rendering the rejection moot.

Claim rejections - 35 U.S.C. § 102

Claims 1 and 12 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Weinberg (U.S. Patent 6,312,700). Claim 1 has been canceled, rendering the rejection moot as to this claim. Applicants respectfully traverse the rejection, as set forth below.

Claim 12, as amended, depends from claim 3 and is thus directed to a binding molecule comprising SEQ ID NO: 22, which is not disclosed in Weinberg. Thus, Weinberg does not disclose each and every feature of instant claim 12, and hence claim 12 is not anticipated by Weinberg. Indeed, the rejection was not made over claim 3, the element of which has been incorporated in claim 12. Reconsideration and withdrawal of the rejection is respectfully requested.

In light of the above amendments and remarks, the application should be in condition for allowance. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



Allen C. Turner
Registration No. 33,041
Attorney for Applicants
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: May 26, 2008